

REMARKS/ARGUMENTS

Reconsideration is respectfully requested in view of the above amendments and the following remarks.

Claims 1 and 2 are canceled without prejudice or disclaimer to the subject matter therein. Claim 3 is amended into independent form.

Claim 4 is amended to recite that the congestion window size is set to an initial value, rather than necessarily to '1'. Applicants believe this is at least implicitly supported by the disclosure. Applicants reference Figure 2, block S2, and page 7, lines 19 and 20. For the particular embodiment therein under consideration, it is disclosed that 'cwnd' (the congestion window) is set to an initial value of '1'. However, Applicants also note that it is disclosed elsewhere, for example at page 5, line 29 through page 6, line 9, that the value of cwnd is calculated. The calculations do not necessarily produce or require an initial value of '1' of cwnd. Thus, Applicants believe it is at least implicit in the disclosure that the initial value of cwnd may be other than '1'.

Claim 8 is added to recite that the initial value is '1', as was formerly recited in claim 4.

No new matter has been added. Claims 3-8 are pending in the application.

In the Office Action, claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gullicksen et al. (U.S. Patent No. 6,370,114). Applicants respectfully traverse the rejection.

Claims 1 and 2 are canceled herein without prejudice or disclaimer, rendering the rejection moot. Applicants do not concede the correctness of the rejection.

Application Serial No. 09/439,206
Response to Office Action mailed July 15, 2003

Claim 3 is objected to as being dependent upon a rejected base claim. Claim 3 is amended herein into independent form. Applicants believe the amendments overcome the objection. Reconsideration and withdrawal of the objection is respectfully requested.

Applicants appreciate the Examiner's indication that claim 3 includes allowable subject matter, and that claims 4-7 are allowable. Applicants do not concede that these claims are allowable only for the reasons stated in the Office Action.

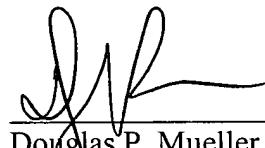
As all issues raised in the Office Action have been addressed, Applicants believe all pending claims are in condition for immediate allowance. Applicants respectfully request favorable reconsideration in the form of a Notice of Allowance.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's primary attorney of record, Curtis B. Hamre (Reg. No. 29,165) at (612) 336-4722.



Respectfully submitted,

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, MN 55402-0903
(612) 332-5300

A handwritten signature in black ink, appearing to read "DPM".

Douglas P. Mueller
Reg. No. 30,300
for
Curtis B. Hamre
Reg. No. 29,165
DPM/CBH/MLL

Date: October 15, 2003